

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

UNITED STATES OF AMERICA

§

§

v.

§

No. 3:08-CR-341-L

§

MATTHEW BAGERT (1)

§

FACTUAL RESUME

INDICTMENT:

Guilty plea to Count Two of the Indictment, Possession of Child Pornography, 18 U.S.C. § 2252(a)(4)(B).

ELEMENTS OF THE OFFENSE:

In order to establish the offense alleged in Count Two of the Indictment, the Government must prove the following elements beyond a reasonable doubt:

- First: That on or about the date set out in the indictment, the defendant did knowingly possess material that contained a visual depiction of a minor engaged in sexually explicit conduct; and
- Second: That the image had been mailed, shipped or transported in interstate commerce or was produced using materials that had been shipped and transported in interstate or foreign commerce.

STIPULATION OF FACTS:

1. On or about February 1, 2005, in the Dallas Division of the Northern District of Texas and elsewhere, the defendant, Matthew Bagert, knowingly possessed material,

specifically, a Samsung hard disk drive, that contained more than three visual depictions of minors engaged in sexually explicit conduct that had been mailed, shipped, and transported in interstate and foreign commerce, including by computer and which were produced using materials that had been mailed, transported, and shipped in interstate and foreign commerce. Included in the images possessed by Bagert were the following four described computer files, which depict the lascivious exhibition of the genitals and pubic area of said minors, as defined in 18 U.S.C. § 2256:

File name	Description of the image
bsam 2-28.jpg	lascivious exhibition of the genitals of a seated nude minor male
bsam 3-19.jpg	lascivious exhibition of the genitals of a nude minor male leaning against book shelves
bsam 3-24.jpg	lascivious exhibition of the genitals of a nude minor male
bsam 4-05.jpg	lascivious exhibition of the genitals of a nude prepubescent male seated on a wooden object

2. On February 1, 2005, Grand Prairie Police executed a search warrant at the

Immaculate Conception Catholic Church in Dallas County, Texas after receiving information that junior priest Jesus Belamontes saw then Father Matthew Bagert viewing an image of a young, nude boy on the rectory computer.

3. Police interviewed Bagert, who acknowledged that he was responsible for the child pornography on the rectory computer and that he had used the internet to find images.

4. Bagert agrees that the Samsung hard drive containing child pornography was manufactured in Korea. Additionally, Bagert acquired the images through the internet, which caused the images to move through interstate or foreign commerce by computer. Bagert agrees that he used the computer to obtain images, some of which depicted the lewd and lascivious exhibition of the genitals of prepubescent minors.

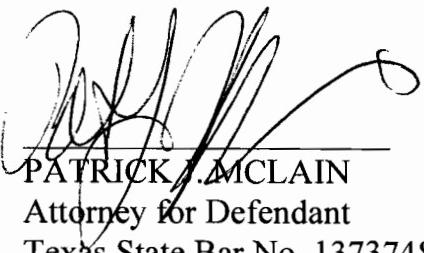
5. Bagert knew that the images he possessed depicted minors engaged in sexually explicit conduct, and he agrees that the production of those images involved real minors.

SIGNED and AGREED to on this the 16th day of March, 2009.

JAMES T. JACKS
Acting United States Attorney


MATTHEW BAGERT
Defendant


AISHA SALEEM
Assistant United States Attorney
Texas State Bar No. 00786218
1100 Commerce Street, Third Floor
Dallas, Texas 75242
Telephone: 214.659.8600
Facsimile: 214.767.2846
Email: Aisha.Saleem @usdoj.gov


PATRICK J. MCLAIN
Attorney for Defendant
Texas State Bar No. 13737480
3131 McKinney Ave., Suite 800
Dallas, Texas 75204
Telephone: 214.740.9955
Facsimile: 214.740.9912